

**Friends of the Earth  
National Wildlife Federation  
Sierra Club  
The Wilderness Society  
U.S. Public Interest Research Group**

**\*\*\*\*\*Via email and certified mail\*\*\*\*\***

November 15, 2002

Agua Fria National Monument  
Bureau of Land Management  
Phoenix Field Office  
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Phoenix, AZ 85027  
Attn: Chris Horyza

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Re: Agua Fria National Monument Resource Management Plan

Dear National Monument Planning Team:

On behalf of the above listed organizations and our more than one million members nationwide, we thank you for the opportunity to contribute to the resource management planning process for the Agua Fria National Monument (National Monument), a key unit of the National Landscape Conservation System (NLCS). We submit these comments as a complement to any comments submitted individually by our organizations and local field offices and we emphasize that the intent of these comments is to facilitate not only the protection of the Agua Fria National Monument, but also the entire NLCS.

We recognize the challenge faced by the Bureau of Land Management (BLM) in developing the Resource Management Plan (RMP) for Agua Fria National Monument. The National Monument is a treasure of enduring value to all Americans and the RMP will set the tone and direction for the long-term management of this special place. The RMP planning process represents an opportunity to demonstrate the BLM's capability and commitment to land stewardship.

The RMP must, consistent with Proclamation 7263, ensure the health and integrity of the values for which the National Monument was created, as well as the landscape's general health and integrity, into perpetuity. Meaningful steps must be taken to protect these wild landscapes from mineral and mining development, irresponsible off-road vehicle (ORV) use, and other development that impairs or degrades the values for which the National Monument was created.

We emphasize that the National Monument is an integral component of a broader conservation initiative: the National Landscape Conservation System. The NLCS – comprised of lands created by both presidential and congressional directive – is the largest and most far-reaching conservation initiative in the history of the BLM. We endorse the BLM’s vision for the NLCS as “Great American Landscapes – healthy, wild and open” and firmly support the mission of the NLCS to “conserve, protect, and restore these nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” The designation of National Monuments within the BLM, together with the establishment of the NLCS itself, represents the cornerstone of a new era in land stewardship. The eyes of the nation will be focused on the results achieved, and on the BLM’s ability to fulfill this new mission of stewardship.

Thank you for this opportunity to provide scoping comments for the Agua Fria National Monument resource management plan. Our specific comments are attached. We believe that adherence to applicable laws and regulations – as outlined below – present the best opportunity to protect and conserve the special values of the Agua Fria National Monument in accordance with the proclamation. We look forward to working with you on the development an RMP that will ensure the protection of the healthy, wild, and open landscapes of this truly wonderful National Monument.

Sincerely,

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Kristen Sykes  
Interior Department Watchdog  
Friends of the Earth

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Pam Eaton  
Four Corners Regional Director  
The Wilderness Society

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Marc Smith  
Legislative Analyst  
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Melinda Pierce  
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## **I. Vision**

Our vision for the Agua Fria National Monument is that it will protect “one of the most significant systems of late prehistoric sites in the American Southwest.” The National Monument should safeguard the “important archeological evidence that is crucial to understanding the cultural, social, and economic processes that accompanied this period of significant change.” In addition to caring for its cultural values, the National Monument should protect the “diversity of vegetative communities, topographical features, and relative availability of water” which provide “habitat for a wide array of sensitive wildlife species.” This vision should guide each alternative presented in the BLM’s Draft RMP and Draft Environmental Impact Statement (EIS) developed pursuant to the National Environmental Policy Act (NEPA).

We recommend that the BLM vision statement for the National Monument convey the intent of Proclamation 7263 and, accordingly:

- **Protect, conserve, and restore the special values of the landscape:** the overriding objective of the National Monument is the permanent conservation of its natural and cultural resources, including historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest. Management must place priority on protecting, conserving, and restoring the natural and cultural values of this landscape, and must identify and restrict those uses of the land that are secondary to that objective.
- **Protect, conserve, and restore the remote and undeveloped character of the landscape:** BLM must safeguard the remote and undeveloped character of the landscapes associated with the National Monument, a principle that is essential to the protection and conservation of the National Monument’s scientific and historic resources. The National Monument preserves the natural, historic, prehistoric, scenic and other resources articulated in Proclamation 7263 unspoiled for future generations. The National Monument should be a living landscape untouched, to the maximum extent possible, by development, paved roads and ORVs, including dirt bikes and other all-terrain vehicles, while still providing for appropriate public access. Visitor developments should be limited to the adjacent communities to protect resources and benefit local communities.
- **Foster scientific inquiry to enhance resource management and public education:** the National Monument should serve as an outdoor laboratory where current and future generations can study biological and earth sciences, prehistoric life and environments, human history, and the application of scientific knowledge to improving land management. BLM should support and encourage scientific study, consistent with the primary objective to protect, conserve, and restore the cultural and natural resources within the National Monument.
- **Build community relationships to foster cooperative stewardship:** the National Monument should be managed in the context of the surrounding Arizona communities as well as for the national interest. For example, locating visitor services in surrounding communities builds ownership within those communities for the long-term protection,

conservation, and restoration of the landscape and creates economic opportunities for citizens. It will also demonstrate to visitors the relationship of the region's landscape to communities, so that they do not view the National Monument as an enclosed land mass separate from the people who live nearby.

Please consider the following, more specific, scoping comments:

## **II. DESIRED OUTCOMES**

The Antiquities Act of 1906 (16 U.S.C. §§ 431-433) obligates the BLM to protect and manage the objects of scientific and historic interest listed in Proclamation 7263. All planning and decision-making activities must tier from the proclamation and, consequently, the objects of historic and scientific interest must be prioritized for protection and management. Thus, the desired future outcomes for the management plan, the focus of the EIS, and any other decisions or analyses must be based on the proclamation itself, *not* the traditional resource program categories of the BLM (e.g., range, water, minerals, etc.). In accord with these principles:

- BLM's first priority is to protect, conserve, and restore the objects and resources outlined in Proclamation 7263.
- BLM must develop goals and objectives that protect, conserve, and restore the objects and resources described in Proclamation 7263 and the biodiversity and health of the regional ecosystem.
- BLM should develop measurable goals, objectives, and desired outcomes to ensure that progress in meeting such goals, objectives, and desired outcomes can be tracked.
- BLM should determine maximum carrying capacities and critical ecological thresholds for use to ensure natural resource sustainability within the National Monument.

## **III. ADAPTIVE ECOSYSTEM MANAGEMENT**

Adaptive ecosystem management (AEM) incorporates the BLM's traditional obligations to inventory, monitor, and evaluate the public lands and activities conducted on public lands. AEM provides the BLM with the ability to gauge whether management activities are achieving objectives and, if not, to alter decisions accordingly. AEM is not, however, a substitute for making real decisions in the RMP. AEM only works where concrete decisions about goals, objectives, desired future conditions, and the actions required to achieve such goals, objectives, and conditions, are clearly expressed within the RMP.

In general, the AEM framework designed for the National Monument should adopt a precautionary management footing whereby the activity that threatens to impair or degrade the ecological health and integrity of the land and the objects of interest protected by Proclamation 7263 bears the burden of proof. The more information that is available, and the more that is known about the impacts of a given activity, the greater the degree of confidence with which the BLM can make a decision. Where the degree of confidence is lacking, the BLM should prohibit the potentially impairing or degrading activity or, at the least, implement sufficient mitigation measures to ensure that the action does not degrade the land (*see* 43 U.S.C. § 1732(b)). This

principle makes common sense, ensuring that BLM management decisions are reasoned and informed and not “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law” (5 U.S.C. § 706(2)(A)).

In accord with these principles:

- The RMP should underscore the principle that the burden of proof is always on the proponent of an action that could impair or degrade the protective values for which the National Monument was created.
- Enforceable monitoring and evaluation programs with defined time frames should be built into all decisions and in fact implemented.
- The RMP should establish specific time frames and reporting requirements for all levels of the AEM process.
- All data should be identified in terms of its source, location, and time. Furthermore, data – and its application – should be available for independent review and evaluation.
- Data collection and application practices should be formalized and standardized to allow for sophisticated and accurate aggregate understanding of the landscape and the impacts of management practices within the landscape to enhance agency credibility and accountability.
- The BLM should disclose not only the results of a given analysis, but the underlying methodology and data management practices used.
- The focus of data collection should be on the impacts – whether adverse or beneficial – caused by particular activities and not the activity itself.
- The AEM framework should incorporate and link to the cumulative impact analysis completed pursuant to 40 C.F.R. § 1508.7. The cumulative impact analysis should operate as a mechanism to gauge the impacts to the objects of interest protected by Proclamation 7263 and the total health and integrity of the landscape. In so doing, the BLM can ensure that individual and cumulative activities conform to the RMP and other legal thresholds.

## **IV. RESOURCES**

### **A. Cultural, Geologic, and Paleontologic Resources**

FLPMA obligates the BLM to protect cultural, geologic, and paleontologic resource values (43 U.S.C. §§ 1701(a)(8) 1702(c)). These resources – like all resources articulated in Proclamation 7263 – are protected by the Antiquities Act of 1906 (16 U.S.C. §§ 431-433).

In the context of historical and cultural resources, the National Historic Preservation Act of 1966 (“NHPA”) (16 U.S.C. §§ 470 et seq.) affords heightened importance to these resources, establishing a cooperative federal-state program for the protection of historic and cultural resources. In particular, the “section 106” (16 U.S.C. § 470f) review process obligates the BLM to consider the effects of management actions on historic and cultural resources listed or eligible for inclusion under NHPA. Additionally, section 106 requires the BLM to give the Advisory Council on Historic Preservation an opportunity to comment before the BLM takes action.

#### **In terms of archeological and historical values:**

- BLM’s goal should be to protect, conserve, and where appropriate restore the archeological and historical sites and landscapes of the National Monument.

- BLM should determine the sites or areas that are most vulnerable to current and future impact and adopt management actions necessary to protect, conserve, and restore cultural resources.
- BLM should outline specific management actions, such as stabilization, fencing, signing, closures, or interpretative development, to protect, conserve, and where appropriate restore cultural resources.
- BLM should adopt measures to protect cultural resources from artifact collectors, looters, thieves, and vandals.
- BLM should engage the Native American community to determine whether there are sites or specific areas in the National Monument of particular concern.
- BLM should define the level of inventory needed to provide a basis for understanding the distribution, comparative importance, and potential uses of cultural resources in the National Monument (i.e., relative sensitivity, relative opportunities for interpretive development, relative scientific importance, relative potential for research and education).

**In terms of geologic and paleontologic resources:**

- BLM's goal should be to protect and conserve special geologic formations and paleontologic resources in the National Monument.
- BLM should determine the geologic and paleontologic sites or areas that are most vulnerable to current and future impact and adopt management actions necessary to protect, conserve, and restore paleontologic resources.
- BLM should prohibit the collection of any specimens.
- BLM should outline specific management actions, such as stabilization, fencing, signing, closures, or interpretative development, to protect and preserve paleontological resources.
- BLM should adopt measures to protect paleontologic resources from looters, thieves, and vandals.
- BLM should define the level of inventory needed to provide a basis for understanding the distribution, comparative importance, and potential uses of paleontologic resources in the National Monument (i.e., relative sensitivity, relative opportunities for interpretive development, relative scientific importance, relative potential for research and education).

**B. BIODIVERSITY & HABITAT**

The protection of native biodiversity and areas of key habitat – especially riparian areas and wetlands – within the National Monument is of intensifying concern. As human populations expand, and use of the land continues, the viability of native species populations and communities is threatened. We encourage the BLM to proactively use its management authority to conserve all native biodiversity within the National Monument. In many cases, this can be achieved with the protection, conservation, and restoration of the National Monument's remote and undeveloped character. Furthermore, we believe that the protection of wilderness quality lands is a key tool to protect and conserve native biodiversity and should be used accordingly.

We further note the intensification of vegetation management problems. Scientists who specialize in the field of vegetation management have repeatedly written about the importance of addressing the causes of vegetation problems. For example, Dr. Richard Mack (Washington State University) wrote "[e]ffective prevention and control of biotic invasions requires a long-term, large-scale strategy rather than a tactical approach focused on battling individual invaders. An

underlying philosophy of such a strategy should be to establish why nonindigenous species are flourishing in a region and to address the underlying causes rather than simply destroying the currently most oppressive invaders" (Mack, R.N. et al. 2000. Biotic invasions: Causes, epidemiology, global consequences, and control. *Ecological Applications* 10(3): 689-710). Despite the fact that the BLM is currently developing a programmatic EIS for vegetation treatments, the BLM must not ignore these recommendations; in fact, we assert that this enhances the relevance and importance of our recommendations.

Finally, proactive management of native wildlife, vegetation, and their habitats can aid the BLM in complying with the stringent protections of the Endangered Species Act of 1973 (ESA).

**In terms of wildlife management:**

- BLM's goal should be to maintain and restore natural populations of wildlife according to their historic range of distribution and abundance.
- BLM should define the status and distribution of the wildlife species using a variety of data resources in delineating wildlife populations and habitats before developing alternatives for each RMP.
- BLM should adopt management actions necessary to protect, conserve, and restore the biodiversity, integrity, and population viability of wildlife.
- BLM should protect, conserve, and restore the health and integrity of wildlife corridors, migration routes, key nesting areas, and access to key forage by limiting development.
- BLM should include appropriate seasonal visitor restrictions to prevent unnecessary, undue, and adverse impacts to sensitive wildlife populations during critical life cycle periods.
- BLM should, where appropriate, reintroduce native species extirpated from the National Monument
- BLM should link biodiversity management to an adaptive ecosystem management framework established for each management unit.
- BLM should prohibit animal damage control in the National Monument. In the event that animal damage control is allowed, it should be restricted to individual offending animals rather than entire predator populations. Non-lethal control methods should be used before lethal control is permitted. In all circumstances, the RMP should clearly state that the BLM can restrict animal damage control activities and that APHIS ("wildlife services" of the U.S. Department of Agriculture) must honor the RMP.
- BLM should identify key wildlife areas such as leks, nesting, brood rearing, calving grounds, and winter ranges and protect, conserve, and restore their health and integrity by limiting development that affects such areas.

**In terms of vegetation management:**

- BLM's goal should be to protect, conserve, and restore a natural range of native plant associations. Management activities should not be allowed to significantly shift the makeup of those associations, disrupt their normal population dynamics, or disrupt the normal progression of those associations.
- BLM should analyze how to: (1) prevent conditions that have favored the introduction, establishment, and spread of invasive species and other vegetation problems; (2) restore conditions favoring native vegetation; and (3) reduce the need for continued direct control

treatments of vegetation.

- BLM should develop and implement management prescriptions to fully protect, conserve, and restore native vegetation types within the National Monument.
- BLM should place a priority on the control of noxious weed species and prevent the introduction of new invasive species.
- BLM should remedy invasive and exotic species vegetation management problems.
- The use of machinery (e.g., roller chopping, plowing, discing) for vegetation manipulation should be carefully limited, and prohibited in all circumstances where such action will harm resources and objects of interest. If machinery is used, monitoring plots should be used to gauge the effectiveness of the treatment.
- Aerial chemical applications for vegetation management should be strictly limited.
- Only native plants and seeds should be used in all restoration and revegetation projects.
- Vegetation manipulation should not be allowed for the purpose of increasing forage for cattle.
- BLM should outline the status and distribution of the vegetative communities within the national monument, and develop a plan to monitor vegetation to assess whether desired conditions are achieved.

**In terms of threatened and endangered species, special status species, and critical habitat designations:**

- BLM must engage in formal section 7 ESA consultation with the Fish & Wildlife Service (*See Pacific Rivers Council v. Thomas*, 30 F.3d. 1050 (9<sup>th</sup> Cir. 1994)).
- The RMP should outline the circumstances that necessitate reconsultation at the RMP level and the circumstances that necessitate consultation (whether formal or informal) at the implementation planning and decision-making levels.
- BLM should inventory the National Monument to determine the unit's special status species.
- A goal of the BLM should be to ensure the conservation and recovery of threatened and endangered species, special status species, and designated critical habitat within the National Monument. BLM should designate protected activity centers around known species.
- BLM should manage visitation and use to prevent impacts (i.e., theft and disturbance) to sensitive species, for example, by limiting activities, directing use away from sensitive areas or by closing certain areas to human use.

**In terms of riparian areas & wetlands:**

- BLM should evaluate or re-evaluate all wetlands and riparian areas to assess whether they are in properly functioning condition (PFC) and should take action to protect, conserve, and restore PFC on all streams.
- BLM should incorporate biotic and ecological indicators into its riparian PFC assessments. Current PFC assessments are inadequate because they only cover physical (hydrology and soils) components of the system.
- Roads, trails, and recreation facilities should not be placed in riparian areas.

**C. WATER RESOURCES**

Water is the lifeblood of the West, and watersheds the engine that circulates water to the landscape. Water and watersheds are essential values of the public lands (43 U.S.C. §§



1701(a)(8), 1702(c)).

Proclamation 7263 reserves as of January 11, 2000 “a quantity of water sufficient to fulfill the purposes for which [Agua Fria National] [M]onument [was] established.” Accordingly, the BLM should use the resource management planning process to compile information and assess the needs of the National Monument’s values in terms of both ground and surface water. This provides for the eventual quantification of water claims within the National Monument. The assessment should include an examination of preexisting water rights associated with the National Monument, including, but not limited to, federal reserved water rights under earlier reservations (e.g., springs and water holes), or water rights established pursuant to state law.

BLM should take timely and appropriate steps to protect the water rights associated with the National Monument. Such steps could include, amongst others:

- (1) participating in any general stream adjudication affecting the National Monument (initiated by the state and wherein the United States is served under the McCarran Amendment) to ensure that water rights claims for the National Monument are filed and protected; and
- (2) monitoring and otherwise becoming apprised of any new or proposed water developments that could threatened water supplies important to the National Monument.

Examples of such proposals would be a new diversion of water upstream from the National Monument, a new well drilled outside the National Monument, or on an inholding in the National Monument. BLM should be in contact with the pertinent state officials so that the BLM can be made aware of such proposals in time to make appropriate responses.

Additionally:

- BLM should only allow water development where the agency has demonstrated the need and has established that such developments are the only method that will protect resources.
- BLM should not allow water developments/diversions to de-water springs or streams.
- BLM should assess existing water developments and diversions for their impact on resources, and BLM should consider removing them where they are causing harm.
- BLM should not allow water developments for the purpose of increasing livestock numbers.
- Water development projects should be monitored and the results of such monitoring incorporated into a broader water quality monitoring program as per the Clean Water Act (CWA)(see below).

Furthermore, as per 43 U.S.C. § 1712(c)(8) of FLPMA, the BLM must comply with applicable pollution control laws, standards, and implementation plans, most notably of the CWA. We strongly encourage the BLM to implement aggressive nonpoint source management practices to protect water resources within the National Monument. Consistent with these principles, we recommend that:

- BLM should develop a strategy to protect, conserve, and restore and appropriate quality and quantity of water resources appropriate for the National Monument's resources.
- BLM ensure that land management practices (grazing, recreation, etc) protect water quality and quantity.
- BLM establish a comprehensive water quality monitoring program in the National Monument through use of multiple data points to accurately gauge water quality throughout the entire National Monument. Such a program should not only ensure compliance with CWA programs, but also ensure that water quality is sufficient to support National Monument resources.
- BLM should pursue options for assuring water availability to fulfill the purposes of the proclamation.

## **V. USES & OTHER MANAGEMENT ISSUES**

### **A. GRAZING**

Grazing has a significant impact on BLM public lands. The BLM authorizes livestock grazing through the issuance of permits and leases. Such permits and leases are issued under the authority granted to the BLM by the Taylor Grazing Act of 1934, FLPMA, and the Public Rangelands Improvement Act of 1978. Permits and leases do not give ranchers a property right in the public lands, a principle repeatedly upheld by the federal courts, including the Supreme Court of the United States; rather, they give ranchers a privilege to use the public lands consistent with applicable laws. In this regard, grazing use is not unbounded, but limited by the mix of laws on the public lands, including the ESA, NEPA, CWA, and aforementioned laws that not only *authorize*, but also *restrict*, grazing.

BLM must analyze the impacts of livestock grazing and ensure that such use is compatible with the protective purposes for which the National Monument was established. This is consistent with the BLM's obligation pursuant to 43 U.S.C. § 315 of the Taylor Grazing Act of 1934 to identify the public lands "*chiefly* valuable for grazing and raising forage crops" in order to "promote the *highest* use of the public lands." For those areas leased for grazing, the BLM must also ensure that grazing is compatible with the values of the National Monument. We believe that these analyses are best carried out at the RMP level. Importantly, the RMP level compatibility review does not preclude more site-specific suitability determinations at the implementation level as required pursuant to NEPA and FLPMA (*see National Wildlife Federation v. BLM*, 140 IBLA 85, 101 (August 21, 1997)).

Specifically, we recommend that:

- BLM manage livestock grazing in a manner that will not harm the objects or resources that the National Monument was established to protect. Grazing should be managed consistent with the primary purpose of resource protection.
- BLM ensure that grazing conforms to its "Standards and Guidelines for Grazing Administration" by placing a priority on assessing grazing allotments within National Monument to see if they are meeting the standards and guidelines. Where standards and

guidelines are not being met, BLM should take immediate action to rectify grazing management so that those standards and guidelines are met.

- The RMP establish a detailed process for completing allotment assessments pursuant to the standards and guidelines and rangeland reform regulations. Such a process should outline a:
  - Defensible and consistent process for doing rangeland health assessments, including appropriate assessment methodology (at a minimum, through use of BLM technical references as per BLM Handbook 4180-1) that details the proper intensity of assessments and density of observation points, appropriate indicators linked to the standards and guidelines, and the use of reference areas;
  - Schedule for assessing allotments and implementing changes where necessary;
  - Use of truly interdisciplinary teams to conduct assessments;
  - Collection of sufficient quantitative and supplemental qualitative information adequate to initiate monitoring, including requiring follow-up monitoring and specifying affirmative corrective action that is to be taken to ensure that any changes required by BLM needed to achieve the standards and guidelines are implemented and are effective;
  - Commitment to assess springs and riparian areas for PFC incorporating biotic and abiotic indicators (and to reassess where data becomes old or otherwise infirm); and
  - Commitment to upland assessments including evaluation of cryptobiotic soil crusts.
- BLM should address how it will handle conservation buy-outs of grazing permits/leases from willing sellers and, furthermore, identify how it will retire such permits through the planning process. BLM should not establish “grassbanks” in areas where a permit or lease was bought out for conservation purposes as this contradicts the very purpose of the buy out.

## **B. FACILITIES, DEVELOPMENT, AND OPERATIONS**

The administrative infrastructure and operations of the Agua Fria National Monument must ensure the protection of the objects of historic and scientific interest listed in Proclamation 7263. Consistent with this mandate:

- BLM should describe in detail the type of structures that will be allowed and the type that will not be allowed within the boundaries and within various parts of the National Monument. These structures should be limited to minor visitor facilities (signs, fences, etc.) necessary for safety or resource protection. Again, as a general proposition, all visitor facilities, where possible, should be located in nearby local communities.
- BLM should make use of existing infrastructure rather than developing new facilities.
- BLM should not allow lodges or developed campgrounds to be built in the National Monument. These facilities should be privately owned in the local community.
- BLM should not allow concessions in the National Monument.
- BLM should maintain management authority for the National Monument and should not consider untested management initiatives for the protection, conservation, and restoration of the National Monument’s resources.

## **C. FIRE MANAGEMENT**

Fire management is an important issue that should be dealt with through the application of the best available science to protect the long-term public welfare and the health and integrity of the ecological landscape. We recommend that:

- BLM should develop a comprehensive fire management program for the Agua Fria National Monument that restores characteristic fire region's ecosystem.
- Allocate the maximum possible area to wildland fire use and develop prescriptions for use of prescribed fire elsewhere
- BLM should identify the threats imposed by Hazardous Fuel situations, as well as the resource impacts of implementing fuel reduction programs.
- BLM should define the Appropriate Management Response to fires within the Agua Fria National Monument, taking into account protection of objects and resources.
- BLM should develop appropriate Emergency Fire Rehabilitation protocols that are consistent with the protection of Agua Fria National Monument objects, resources, and objectives.

#### **D. IMPLEMENTATION AND FUNDING**

The BLM should ensure that sufficient funding is provided for mitigation, monitoring, restoration, enhancement, reclamation, and other protective actions to ensure the preservation of the National Monument's values. Furthermore, if a particular management activity is not granted funding for associated mitigation, monitoring, restoration, enhancement, reclamation, or other protective actions, then the activity should be prohibited from going forward. Consistent with these principles:

- BLM should address how the plan will be funded and implemented.
- BLM should describe in the plan how resources and objectives would be monitored and evaluated.
- BLM should address how the plan will be updated and management changed based on new information gained from monitoring and evaluation.

#### **E. PERMITS AND RIGHTS-OF-WAY**

Reflecting a nation-wide problem, the National Monument is fragmented amongst a variety of owners. The interplay between these owners – and the rights and responsibilities of each – has a significant effect on the health and integrity of the land. Furthermore, the National Monument allows a variety of uses that require access to the land. Clearly delineating the rights, privileges, and responsibilities of the various property owners and land users is thus critical. As such, we recommend that:

- BLM should specify how it plans to address access to private property.
- BLM should identify a strategy for purchasing or acquiring inholdings within the National Monument from willing sellers.
- BLM should specify how it intends to handle existing permits within the National Monument.
- BLM should specify how it intends to handle requests for new permits within the National Monument.
- BLM should prohibit new rights-of-way in the National Monument, except those that are required by law to provide access for valid existing rights.

- BLM should address how it will handle energy leases and mining claims that were valid at the time the National Monument was established. BLM should perform a validity examination before claimants conduct surface disturbing activities greater than casual use.
- The BLM must impose the least degrading management alternative on use of and access to the National Monument (43 U.S.C. § 1732(b)).

## **F. RECREATION**

How the BLM manages visitation to the National Monument will have a profound impact on the land's future health and integrity. We support visitation and recreational use of the National Monument, especially low impact activities carried out in a responsible fashion such as backpacking, birdwatching, hunting, and fishing, but emphasize that it is the remote and undeveloped character of the area that ascribes the land with such special value. We encourage the BLM to manage the area consistent with its inherent nature to protect, conserve, and restore it for present and future generations. As such, we recommend that:

- BLM's goal should be to provide opportunities for visitor exploration and discovery in an undeveloped, primitive setting.
- BLM should be specific in identifying uses that will be acceptable/allowable.
- BLM should manage overnight camping to prevent impacts to resources. BLM should consider prohibiting camping in sensitive areas or limiting camping to designated sites.
- Rock climbing should not be allowed where it would harm archeological, paleontological, biological or other resources.
- BLM should prohibit recreational collecting of objects.
- BLM should ensure that the production of feature films does not impair or degrade National Monument values or the broader health and integrity of the landscape.

## **G. TRANSPORTATION PLANNING AND ORVs**

Proclamation 7263 obligates the BLM to "prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes." As detailed below, the definition of "road" has a very specific legal definition. Furthermore, Proclamation 7263 obligates the BLM to develop a transportation plan to protect the objects identified in the proclamation. In order to comply with Proclamation 7263, the transportation plan should be completed during the RMP process and not be deferred to a later date.

As required by the language of the proclamation, the transportation plan must consider road closures and travel restrictions. The plan should not only close roads and impose travel restrictions, as appropriate, immediately upon completion of the RMP, but also outline the conditions that will trigger future road closures and travel restrictions. We assert that the National Monument contains a more than sufficient road network and that the construction of new roads is, generally, unnecessary. In fact, we believe that the BLM should close roads within the National Monument, predicated such decisions on the spatial pattern of roads – not merely mileage – and associated impacts in order to protect National Monument values.

Roads have consistently been proven to fragment and degrade wildlife habitat, encourage noxious weeds, disturb wildlife and alter movements and migrations. Fragmentation of wildlife

habitat should be treated as the biggest threat to the National Monument's biological resources. We note that grasslands are considered to be the most fragmented ecosystems in the United States. The National Monument's outstanding wildlife populations and their habitat cannot be adequately protected without a scientifically defensible transportation plan.

In accord with these principles:

- The BLM should establish a travel system that retains the minimum amount of routes necessary to provide for reasonable access to public lands. Extraneous, little used, unauthorized, and unjustified routes should be closed within a defined time period through a defined process.
- The travel system should differentiate “roads” from “trails” by using the legal definition of “road” as derived from the definition of “roadless” in the legislative history of FLPMA (H.R. Rep. No. 94-1163 at 17 (1976)).
- Recreational ORV use on designated roads must be authorized only after the BLM fully applies the ORV designation criteria set forth in 43 C.F.R. § 8342.1.
- BLM must use only the “closed” and “limited to designate roads” ORV designation categories, as set forth in 43 C.F.R. Part 8340, operating under a “closed unless posted open” policy whereby ORVs are allowed only on designated and *explicitly signed* roads in the National Monument.
- Travel management decisions – especially specific road designations – must be made at the RMP level and not deferred to subsequent travel management planning.
- BLM must specify the locations, terms, and conditions for all emergency and authorized administrative motorized and mechanized use and analyze the impacts – especially cumulative impacts – of such use within the EIS and close administrative routes once the administrative purpose ends.
- BLM should not upgrade existing roads, routes, or trails or build any new roads, routes, or trails.
- BLM must consider the impacts of existing roads in ecologically sensitive areas and consider their removal (or reconstruction with appropriate mitigation measures).
- BLM should not build new parking areas or turnouts unless deemed absolutely necessary and only after accounting for natural, cultural and scenic values and minimizing all adverse impacts to said values. In general, new parking areas or turnouts should be presumed unnecessary.
- BLM should close and reclaim informal (unofficial or undesignated) parking areas.
- BLM should limit vehicular speed.
- As part of monitoring, BLM undertake relevant transportation studies to understand how increased visitation impacts natural resources.
- BLM conduct a scientific spatial analysis of wildlife habitat fragmentation.